

12 November 1953

OGC Has Reviewed

MEMORANDUM FOR: General Counsel

SUBJECT : Personnel -- Office of the General Counsel

1. Horizontal Structure: I believe that the horizontal structure has been conclusively established as the one most suitable for this type of office. It avoids the necessary evils and problems of pyramidal justifications and allows for gradual growth consistent with individual competence, merit, and opportunities. In my opinion the only obstacle which impedes accomplishing the objective of the horizontal structure is the physical decentralization of offices which the Office of the General Counsel is required to service. This decentralization, accompanied by repetitive assignment patterns, inhibits flexibility and the capabilities of theoretical expansion under the horizontal arrangement. To illustrate, it has become increasingly apparent that South Building, though it does of necessity spill over into covert affairs from time to time, is mainly concerned with conventional administration and housekeeping activities, such as personnel, finance, logistics, security, etc. On the other hand, J Building is primarily dedicated to covert projects of the type contemplated under 9.4 of the C.F.R.'s and the necessary problems and relationships that evolve therefrom. Housekeeping problems generated by administration of covert projects are generally forwarded to South Building for office opinion or decision. Hence, a tendency develops for incidental, or consequential, participation by South Building in covert matters. Since this condition results from the physical decentralization which characterizes the Agency, it presumably will continue for an indefinite time since no centralized layout is presently conceived. It would appear, therefore, that the full development of office personnel can be achieved only through rotation of assignments, which will be referred to in greater detail in an ensuing paragraph.

2. Compensation: Promotion curves of the individual members of this Office, in my opinion, appear to be generally satisfactory. There has been no attempt to correlate any of the promotion curves on an average with an Agency curve, if such exists. Based on my own knowledge, I believe it would be competitive with Agency standards insofar as it is possible to draw a relationship with other professional activities in the Agency. The attached binder charts the promotion curves of each member, based on a division of the calendar year into quarters. Hence, it is not accurate to the month, but only to the quarter in which the promotion occurred. In addition, periodic pay increases are not reflected.

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3. Education and Training: The training requirements for Fiscal Year 1954 and Fiscal Year 1955 projected, have been submitted to the Director of Training and may be characterized as minimum or, at least, modest, the sum involved not being in excess of \$600 per annum. I believe it would be helpful in some instances for members of this Office to participate in external and internal training programs, whether denominated as such or whether developed as a part of the unusual requirements of this Office. With respect to external training programs, government and non-government facilities could presumably be utilized to greater advantage. Internal training programs, including intelligence training courses, would appear to be extremely important and might include language and other types of training, correlated to possible PCS or TDY assignments. This is a matter which doubtlessly can be explored in greater detail and is better left to a time when there is a greater maneuverability in the Office complement.

4. Rotation Within: Accepting the premise that the work flow of this Office is beginning to crystallize in typical patterns, I believe that some consideration should be given immediately to a system of rotation whereby the full potential of the horizontal structure can be attained, including the increased familiarity which each member so rotated would derive concerning the more comprehensive aspects of Agency activities. Obviously, such rotation would be doubly advantageous for it would be both a process of education and re-education. Needless to say, the foregoing is not universally applicable inasmuch as prior experience and specific assignments that are received from time to time would appear to be sufficient to satisfy the need for increased comprehension of Agency activities. There is a continuing need for the skillful blending of the conventional with the unconventional, the usual with the unusual, the overt with the covert. Under present circumstances I believe this can only be achieved through rotation.

5. Rotation Without: For sometime a de facto rotation situation has existed in the Office of the General Counsel. One has but to refer to the varying assignments in which members of this Office have participated in the last two years. They include temporary duty and now PCS assignments. They cover matters from the purely administrative to the sensitive and highly operational. I believe that the de facto rotation has been beneficial in the main part and some consideration should be given to developing a program which would envision a rotation outside the Office as part of the office personnel program.

6. Case-Officer Pattern: There is a perceivable case-officer pattern emerging in the Office as a result of the complex and varying types of assignments. Obviously a project of magnitude and complexity requires the frequent attention and action of the attorney concerned. In such cases the attorney concerned should be completely responsible for the project insofar as this Office is concerned so that a division of knowledge or responsibility for action, insofar as practicable, can be avoided. Such responsibility would include a more aggressive approach to covert projects, particularly the legal liaison with outside counsel, which should retain its vitality throughout the life of the project.

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7. Consistent with the statement contained in the first paragraph hereof, I feel it appropriate to offer for your consideration a suggested promotion schedule. Pertinent, in my opinion, is the period of time an individual has been in grade prior to his last promotion and the elapsed time since the last promotion. This information appears in the first three columns of the suggested schedule. Since Agency regulations make no specific provision for time in grade as a condition precedent to advancement, a reasonable period may be inferred. A reasonable period becomes a variable when related to the grade and the professional level of activity at which the individual has been performing. Eligibility necessarily presumes a favorable Personnel Evaluation Report, which falls outside the scope of this memorandum. Two additional columns come to mind, namely, estimated eligibility for promotion and the date on which action would be appropriate (Action Date). Column 4 is a present concept, whereas column 5 is a projection. Column 6 is equally applicable to columns 4 and 5. There are other factors which have an indirect bearing upon the promotion schedule. For example, it may generally be stated that the members of this Office are the recipients of overtures from various administrative activities in the Agency. Where such condition prevails, it may indicate that our rates are not competitive with the rates of such administrative activities. We have been cognizant of this situation in the past, for which reason I believe that scrutiny from time to time is necessary. At certain grade levels there are inhibitory personnel and regulatory policies and practices, which preclude completing the suggested promotion schedule in all details.

8. In support of paragraphs 4 and 5 hereof, I am attaching a proposed rotation schedule which I believe will visually illustrate previous comments. Due to assignments outside the Office, prospective PCS assignments and present TDY assignments, this, too, must be considered a variable.

9. I believe it would be well at this time to consider some kind of recruitment program. We are now confronted with (a) a detail outside the OGC for an unlimited time; (b) leave without pay with no set reversion date, if any; (c) a prospective PCS assignment; (d) an extended TDY assignment; and (e) assignments, full or part-time, to other activities within the Agency. To borrow a phrase from our accounting brothers, the legal burden is being distributed over a lesser number of units. On a short-term basis such a condition is understandable and must be accepted. However, on a long-term basis steps should be taken to protect and insure the capabilities of the Office. I would recommend an early review of this matter.

10. There are other matters at this time which require Office attention; for example, the problem concerning distribution of office decisions to which some objection has been raised by covert

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offices, a closer indexing of legal decisions with respect to Agency issuances, the maintenance and expansion of the law library, a review of improving the system of office files and achieving a greater centralization of files. These would seem to require no further comment at this time, but are noted for consideration.

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Assistant General Counsel

OGC/JBK:tkl

3 Att - binder
Promotion Schedule
Rotation Schedule

(NOTE: Atts to orig only)

cc: OGC subj✓
OGC chrono
OGC/JBK file

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ORIGINAL DOCUMENT MISSING PAGE(S):

no att.